

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 42 337. :nb	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/013390	International filing date (<i>day/month/year</i>) 25.11.2004	Priority date (<i>day/month/year</i>) 18.12.2003
International Patent Classification (IPC) or national classification and IPC B21B35/14		
Applicant SMS DEMAG AG		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-6 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-5 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-5</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>1-5</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-5</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
	<p>V.1 This report makes reference to the following documents:</p> <p>D1: DE 19 02 894 A1 (SIEMAG SIGENER MASCHINENBAU GMBH) 23 July 1970 (1970-07-23)</p> <p>V.2 The subject matter of claim 1 is novel (PCT Article 33(2)):</p> <p>V.2.1 D1 is regarded as the prior art closest to the subject matter of claim 1. It discloses a:</p> <p>torque support on oil collecting receptacles (24) in the region of the paired connection of spindle heads (6) and roll pins W in roll stands during the vertical and axial displacement thereof, with a fixing point on the upper and on the lower oil collecting receptacle (7).</p> <p>V.2.2 The subject matter of independent claim 1</p>		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>differs from the torque support known from D1 in that:</p> <p>a single-piece strip is swingingly connected on its upper end to the upper oil collecting receptacle by a joint in the vertical plane, and in the region of its lower end, the strip is slidably guided in a positive fit-compatible recess of a guiding slide such that the distance and the angle of inclination are both modifiable in the swinging plane.</p> <p>V.3 The solution to this problem as proposed in claim 1 of the present application involves an inventive step (PCT Article 33(3)) for the following reasons:</p> <p>V.3.1 The features of claim 1 make it possible to do without the heavy articulated lever that consists of several individual parts and enables the oil receptacles to move in the axial and vertical directions.</p> <p>V.3.3 The problem to be solved by the present invention can be regarded as that of designing the installation such that assembly is easier and the structure as a whole is more resistant to vibration.</p> <p>V.3.4 This problem is solved by the claimed torque support in a manner that is non-obvious in</p>

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view of **D1**.

V.4 Dependent **claims 2 to 5** further develop the subject matter of **claim 1** and therefore likewise meet the PCT requirements for novelty and inventive step (PCT Article 33(2) and (3)).

V.5 The subject matter of **claims 1 and 5** is industrially applicable without a doubt (PCT Article 33(4)).